

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**RAMON JAQUEZ, individually and on
behalf of all others similarly situated,**

Plaintiffs,

-against-

**BRILLIANT HOME TECHNOLOGY,
INC.,**

Defendants.

**Civil Case Number:
1:20-cv-09855-KPF-SDA**

**DECLARATION OF YITZCHAK ZELMAN, ESQ. IN SUPPORT OF PLAINTIFF'S
REQUEST FOR DAMAGES, ATTORNEY'S FEES AND COSTS**

Yitzchak Zelman, duly declares pursuant to 28 USC § 1746:

1. I am an attorney admitted to practice in this District and represent the Plaintiff in this action.
2. I submit this Declaration in support of Plaintiff's request for attorney's fees and costs.
3. I represent the Plaintiff in this matter.
4. I graduated from the Benjamin N. Cardozo School of Law in June of 2012.
5. I am an attorney licensed to practice by the State of New Jersey since 2012, where I have practiced ever since admission. I was admitted to practice in New York in 2013.
6. I have continuously practiced consumer protection law in the Federal Courts since becoming licensed to practice law in New Jersey. I have appeared in consumer law matters in federal courts across the country, including in district courts throughout New York, New Jersey, Pennsylvania, Washington, Illinois, Texas, California, Indiana, Florida, Alabama, Michigan, Georgia, Connecticut, Iowa, Nevada, Kentucky, Ohio, Louisiana, North and South Carolina, New Mexico, Arkansas, Oregon, Missouri, Colorado, Massachusetts, Wisconsin and Tennessee, as well as in the Second, Third, Ninth and Eleventh Circuit Courts of Appeals.

7. Mr. Marcus and I founded the law firm of Marcus & Zelman, LLC (“the Firm”) in June, 2015.
8. Since that time, Marcus & Zelman, LLC has recovered millions of dollars on behalf of consumers who had been victimized by abusive and deceptive collection practices as well as individuals whose consumers rights had been violated. The Firm has also been regularly appointed as class counsel in consumer class actions, including in
 - i. *Manopla v. Home Depot USA, Inc.*, 3:15-cv-01120-PGS-TJB (D.N.J. February 22, 2020).
 - ii. *Barenbaum v. Hayt, Hayt & Landau, LLC*, No. CV 18-4120, 2019 WL 4305761, at *13 (E.D. Pa. Sept. 10, 2019).
 - iii. *Nieves v. A&J Collection Agency, Inc.*, No. CV 3:18-cv-17284-DEA (D.N.J. Nov. 15, 2019).
 - iv. *Kassin v. AR Resources, Inc.*, No. CV 16-4171 (FLW), 2018 WL 6567703 (D.N.J. Dec. 13, 2018).
 - v. *Encarnacion v. Fin. Corp. of Am.*, No. 2:17-CV-566-FTM-38CM, 2018 WL 6250944 (M.D. Fla. Nov. 14, 2018).
 - vi. *Bereket v. Portfolio Recovery Assocs., LLC*, No. C17-812 RSM, 2018 WL 6266606, at *5 (W.D. Wash. Nov. 30, 2018).
 - vii. *Beneli v. BCA Financial Services, Inc.*, Case No. 3:16-cv-02737-FLW-LHG (DNJ 2018).
 - viii. *Pollak v. Portfolio Recovery Assocs., LLC*, No. CV 15-4025-BRM-DEA, 2018 WL 466241 (D.N.J. Jan. 17, 2018).
 - ix. *Tiernan v. G&R Collections*, 3:16-cv-02602 (M.D.TN 2018).
 - x. *Willemsen v. Professional Recovery Services, Inc.*, Civil Case No. 1:14cv6421 (D.N.J. 2016)
 - xi. *Krady v. A-1 Collection Agency, LLC*, Civil Case No. 3:14cv7062 (D.N.J. 2016)
 - xii. *Willis and Shvarts v. iHeartMedia, Inc.*, Case No. 16-CH-02455 (Cook County, Illinois) (\$8,500,000.00 TCPA Class).
 - xiii. *Truglio v. CBE Group*, Civil Case No. 3:15-cv-03813 (D.N.J. 2017)
 - xiv. *Hartman v. Mediacredit, Inc.*, 2:15-cv-01596 (W.D. Pa. 2017)
 - xv. *Town & Country Jewelers, LLC v. Meadowbrook Insurance Group, Inc.*, Case No. 3:15-cv-02519-PGS (D.N.J. 2017)(\$1,500,000.00 TCPA Class).
 - xvi. *O'Brien v. Waldman & Kaplan, PA*, Case No. 3:15-cv-07429-BRM-LHG (D.N.J. 2017)
 - xvii. *Dinaples v. MRS BPO, LLC*, Case No. 2:15-cv-01435 (W.D. Pa. 2017)
 - xviii. *Hartman v. Monarch Recovery Management, Inc.* Case No. 2:15-cv-01364-CB (W.D. Pa. 2017)
 - xix. *Etienne v. Reliant Capital Solutions, LLC*, Case No. 1:16-cv-02359-WFK-JO (E.D.N.Y. 2017)

xx. *Jackson v. RMB, Inc.* Civil Case No. 2:14cv2205-MF (D.N.J. 2015).

9. Mr. Marcus and I have further developed a successful appellate practice, repeatedly obtaining favorable decisions from the Circuit Court of Appeals on behalf of our clients. *See e.g., N. L. by Lemos v. Credit One Bank, N.A.*, 960 F.3d 1164 (9th Cir. 2020); *Laniado v. Certified Credit & Collection Bureau*, 636 F. App'x 90 (3d Cir. 2016); *Laniado v. Certified Credit & Collection Bureau*, 705 F. App'x 87 (3d Cir. 2017); *Tatis v. Allied Interstate, LLC*, 882 F.3d 422 (3d Cir. 2018); *DiNaples v. MRS BPO, LLC*, 934 F.3d 275 (3d Cir. 2019).
10. The specialized skills I have developed, in focusing solely on the representation of consumers, has been repeatedly noted by the courts. *See e.g., Barenbaum v. Hayt, Hayt & Landau, LLC*, 2019 WL 4305761, at *13 (E.D. Pa. Sept. 10, 2019)(“The Court is satisfied that Barenbaum’s attorneys have the experience and qualifications to handle this litigation.....The Court thus appoints Marcus & Zelman, LLC as class counsel”); *Beneli v. BCA Fin. Servs., Inc.*, 324 F.R.D. 89, 98 (D.N.J. 2018)(“The Court finds that Class Counsel Ari Marcus & Yitzchak Zelman of Marcus & Zelman LLC are adequate”); *Pollak v. Portfolio Recovery Assocs., LLC*, 285 F. Supp. 3d 812, 844–45 (D.N.J. 2018)(“Lead Counsel, Marcus & Zelman, LLC, is experienced in handling complex litigation.....Accordingly, counsel are qualified and experienced in consumer action litigation and more than adequate to represent Plaintiffs and the class”).
11. Annexed hereto as Exhibit “A” is a copy of the printout from the Plaintiff’s counsel’s billing software, which is maintained contemporaneously with billed activities. This printout reflects the time expended on this matter, billed in detailed six-minute increments.

12. My regular and ordinary hourly rate is \$400.00-425.00 per hour, which has been my rate since January 1, 2018. Prior to that time, my regular and ordinary hourly rate was \$375.00 per hour. These are the same rates charged by the Marcus & Zelman law firm to regular paying clients. The Marcus & Zelman law firm does have regular paying clients, who are billed for hourly work, and who pay this hourly rate for our services.
13. Attorneys with my skill, background and acumen in regularly charge between \$350 to over \$550 per hour.
14. The undersigned has been repeatedly awarded \$400-\$450.00 per hour, in line with the undersigned's current billing rates. *See, Pollak v. Portfolio Recovery Associates, LLC*, 3:15-cv-04025-BRM-DEA [Docket 88] (D.N.J. Sept. 4, 2019); *Coulter v. Receivable Management Systems*, 2:17-cv-03970-JS [Docket 52] (E.D.Pa. June 4, 2020); *Richardson v. Verde Energy*, 5:15-cv-06325-WB [Docket 140] (E.D.Pa. May 19, 2020); *Manopla v. Home Depot*, 3:15-cv-01120-PGS-TJB [Docket 107] (D.N.J. Feb. 24, 2020); *Martin v. Receivable Management Systems, Inc.*, 1:18-cv-09359-RMB-KMW [Docket 24] (D.N.J. January 7, 2020).
15. I have incurred, to date, 20.8 hours in litigating this action. *See*, Exhibit A.
16. All of this time was necessarily incurred in litigating this action.
17. Our firm does not double-bill or double-staff for the same work. Indeed, I was the only attorney who worked this file over the past thirteen months.
18. I declare under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct.

Dated: December 20, 2021

MARCUS & ZELMAN, LLC

By: /s/ Yitzchak Zelman

Yitzchak Zelman (YZ5857)

ATTORNEYS FOR PLAINTIFF

701 Cookman Avenue, Suite 300

Asbury Park, New Jersey 07712

Phone: (732) 695-3282

Fax: (732) 298-6256

Email: yzelman@MarcusZelman.com